THE HON'BLE Ms. JUSTICE G. ROHINI

COMPANY APPLICATION No.37 OF 2011
And
COMPANY APPLICATION (S.R.) No.7838 of 2010
IN
COMPANY APPLICATION No.3 OF 2003
IN
R.C.C.No.3 of 2000

Dated: 14.02.2011

Between :

Dayanand Singh

…… Applicant

And

M/s. Bharat Strips Limited

……. Respondent

The Court made the following:-

THE HON'BLE Ms. JUSTICE G. ROHINI

COMPANY APPLICATION No.37 OF 2011
And
COMPANY APPLICATION (S.R.) No.7838 of 2010
IN
COMPANY APPLICATION No.3 OF 2003
IN
R.C.C.No.3 of 2000

COMMON ORDER :

Pursuant to the order dated 20.01.2003 passed by this Court in R.C.C.No.3 of 2000 M/s. Bharat Strips Limited was directed to be wound up and the Official Liquidator attached to this Court was appointed as its Liquidator. Thereafter, the Official Liquidator was permitted to invite the claims against the company and accordingly, the Official Liquidator issued a notification inviting claims fixing the last date as 29.02.2003.

The applicant herein, who claims to be a crane operator in the

company under liquidation, states that by virtue of the award of the labour Court-II, Hyderabad in I.D.No.20 of 1994, dated 07.01.1998 the company in liquidation is liable to reinstate him with continuity of service and back wages and other attendant benefits. Since the company is under liquidation, it is stated that the applicant approached the Official Liquidator on 29.08.2006 for payment of the back wages and other benefits as ordered by the labour Court. The said application was not entertained by the Official Liquidator on the ground that the last date fixed for receipt of claims had expired on 29.02.2003. The applicant states that he had entrusted the matter to an Advocate for making a claim and as there was no communication, the same could not be filed within time. Ultimately, the applicant took all the documents and got engaged another Advocate through Legal Aid Services Committee. In the circumstances, there is delay of 2853 days in filing the claim petition. Hence, Company Application No.37 of 2011 to condone the said delay. The applicant also filed Company Application (S.R.) No.7838 of 2010 seeking a direction to the Official Liquidator to release the back wages and attendant benefits as per the award of the labour Court-II, Hyderabad in I.D.No.20 of 1994, dated 07.01.1998.

Having heard the learned counsel for the applicant and the learned counsel representing the Official Liquidator and having considered the facts and circumstances of the case, the delay is hereby condoned and Company Application No.37 of 2011 is hereby ordered permitting the applicant to file his claim before the Official Liquidator on or before 10.03.2011. There shall also be a direction to the Official Liquidator to consider the claim of the applicant for release of back wages in terms of the award in I.D.No.20 of 1994, dated 07.01.1998 and pass appropriate orders in accordance with law. Company Application (S.R.) No.7838 of 2010 is also disposed of accordingly. No costs.

G. ROHINI, J

Date: 14.02.2011
Note: Issue C.C. by tomorrow.
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